

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 8, 2013

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2013AP751

Cir. Ct. No. 2012SC8849

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

GLENDALE STEWART,

PLAINTIFF-APPELLANT,

V.

GEICO INSURANCE, SHARON R. DVORAK AND DEAN DVORAK,

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Dane County:
FRANK D. REMINGTON, Judge. *Affirmed.*

¶1 SHERMAN, J.¹ Glendale Stewart, pro se, appeals a small claims court order dismissing, with prejudice, his claims against Sharon Dvorak, Sharon's

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a)(2011-12). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

husband Dean Dvorak, and their insurer, Geico Insurance, to recover for injuries he alleged he sustained in a motor vehicle/bicycle accident.

¶2 In his complaint, Stewart alleged that he was riding his bicycle along South Blair Street and Main Street in Madison, and that as he rode his bicycle into the crosswalk area on Main Street, Sharon pulled her vehicle out in front of him, causing him to slam into the passenger side of the vehicle. Stewart sought money damages to compensate him for “the mental anguish, pain and suffering, stress, and mental anxiety brought upon him during and after the accident.”

¶3 Stewart’s brief on appeal is so lacking in organization and substance that his arguments are difficult to follow. As far as I can discern, Stewart challenges the factual findings underlying the small claims court’s decision to dismiss his complaint.

¶4 A hearing was held on the case by the small claims court, after which the court dismissed Stewart’s complaint. The record before this court does not contain a transcript of that proceeding. When the transcript is not part of the record, we assume it supports every fact essential to the circuit court’s decision. *Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979). Accordingly, we must assume that the court’s decision to dismiss Stewart’s complaint is supported by the missing transcript.

¶5 To the extent that Stewart has raised any other arguments, I do not address those arguments because they are either incomprehensible, or too inadequately developed to warrant a response. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (insufficient development); see *State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987) (we will not abandon our neutrality by making the appellant’s arguments for him).

¶6 For the reasons above, I affirm the order of the small claims court.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE
809.23(1)(b)4.

